

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) CR. NO. 2:06cr299-MEF
)
SIMONETTA GARTH)

MOTION TO ADD PUBLICATION DATES TO RECORD

Comes now the United States of America, by and through Leura G. Canary, United States Attorney, Middle District of Alabama, and John T. Harmon, Assistant United States Attorney, and hereby moves this Court to enter into the record the attached legal notice reflecting publication of the Notice of Criminal Forfeiture in the Montgomery Independent newspaper on August 16, 23 and 30, 2007, regarding the subject forfeiture action.

Respectfully submitted this 7th day of September, 2007.

FOR THE UNITED STATES ATTORNEY
LEURA G. CANARY

/s/John T. Harmon
John T. Harmon
Assistant United States Attorney
Bar Number: 7068-II58J
Office of the United States Attorney
Middle District of Alabama
131 Clayton Street
Post Office Box 197
Montgomery, Alabama 36101-0197
Telephone: (334) 223-7280
Facsimile: (334) 223-7560

CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2007, I electronically filed the foregoing Motion to Add Publication Dates to Record with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

Respectfully submitted,

/s/John T. Harmon

John T. Harmon

Assistant United States Attorney

IN THE UNITED STATES

**DISTRICT COURT
FOR THE MIDDLE DIS-
TRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERI-
CA v.

SIMONETTA GARTH

CR. NO. 2:06cr299-MEF
**NOTICE OF CRIMINAL
FORFEITURE**

Notice is hereby given that on July 10, 2007, the United States District Court for the Middle District of Alabama entered a Preliminary Order of Forfeiture condemning and forfeiting the following listed property:

One Sig Saur P229 9mm semi-automatic handgun bearing serial number AK19891; and,

One Master Piece Arms .45 caliber pistol, bearing serial number A1641.

The foregoing Preliminary Order of Forfeiture having been entered, the United States hereby gives notice of its intention to dispose of the above listed property in such manner as the Attorney General of the United States may direct. Any persons or entities, other than the defendant named above, having or claiming a legal right, title or interest in the property must, within thirty (30) days of the final publication of this notice or actual receipt thereof, whichever is earlier, petition the United States District Court for the Middle District of Alabama for a hearing to adjudicate the validity of his/her alleged interest in the property pursuant to 21 U.S.C. § 853(n). If a hearing is requested, it shall be held before the Court alone, without a jury. Claimants will bear the burden of proof in all such cases. Petitions that fail to allege an interest sufficient to maintain a claim under Section 853(n) shall be subject to dismissal without a hearing.

The petition shall be signed by the petitioner under penalty of perjury and shall identify the particular property in which the petitioner claims a legal right, title or interest; the nature and extent of the such right, title or interest in the property; the time and circumstances of the petitioner's acquisition of the right, title and interest in the property; and any additional facts and documents supporting the petitioner's claim and the relief sought. See 21 U.S.C. § 853(n)(3). Corporate persons may only file claims if represented by counsel.

A hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty (30) days of the filing of the petition. The Court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant named above. The petitioner may testify and present evidence and witnesses on his own behalf and cross-examine witnesses who appear at the hearing.

Your petition must be filed with the Office of the Clerk, United States District Court for the Middle District of Alabama, One Church Street, Montgomery, Alabama, 36104, with a copy thereof sent to: Assistant United States Attorney John T. Harmon - Office of the United States Attorney, Middle District of Alabama, 131 Clayton Street, Post Office Box 197, Montgomery, Alabama 36101-0197; (334) 223-7280.

IF YOU FAIL TO FILE A PETITION TO ASSERT YOUR RIGHT, TITLE OR INTEREST IN THE ABOVE-DESCRIBED PROPERTY, WITHIN THIRTY (30) DAYS OF THIS NOTICE, OR WITHIN THIRTY (30) DAYS OF THE LAST PUBLICATION OF THIS NOTICE, WHICHEVER IS EARLIER, YOUR RIGHT, TITLE AND INTEREST IN THIS PROPERTY SHALL BE LOST AND FORFEITED TO THE UNITED

STATES. THE UNITED STATES THEN SHALL HAVE CLEAR TITLE TO THE PROPERTY HEREIN DESCRIBED AND MAY WARRANT GOOD TITLE TO ANY SUBSEQUENT PURCHASER OR TRANSFEREE.

JESSE SEROYER, JR.
UNITED STATES MARSHAL
MIDDLE DISTRICT OF
ALABAMA
(Mont. Ind., Aug. 16, 23 & 30, 2007)